

# EXHIBIT B

PRESENT: HON. Consuelo Mallafre Melendez

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

\_\_\_\_\_  
JOSEPH AMALFITANO

Petitioners,

v

NEW YORK CITY DEPARTMENT OF  
EDUCATION, DAVID BANKS *in his*  
*Official capacity as Chancellor*, and DANIEL  
WEISBERG *in his official capacity as First*  
*Deputy Chancellor*.

DECJ/P

Respondents  
\_\_\_\_\_X

At an **IAS** Part 72 of The **NYS**  
Supreme Court, held in and  
for the County of KINGS on  
the 20th day of May  
2022

**ORDER TO SHOW CAUSE**

Index No: 514351/2022

**UPON** reading and filing of the annexed Verified Petition of  
Petitioners herein, dated May 16, 2022, the Affirmation of Chad J. LaVeglia  
Esq., dated May 16, 2022, the annexed Exhibits and affidavits, Petitioners'  
Memorandum of Law submitted concurrently with this Order to Show  
Cause, dated May 16, 2022, and all other papers and proceedings submitted  
herein.

**LET** the above named Respondents, or their attorneys, show cause  
before this Court, at the Kings County Supreme Court, 360 Adams Street,  
Room 461 Part 20  
Brooklyn New York 11201 on the 8th day of JUNE 2022 at 9:30 a.m., or as  
or virtually by microsoft teams as directed by court part  
soon as possible thereafter counsel can be heard, why an Order should not  
be entered into pursuant to Article 78 and Article 63 of the New York Civil  
Practice Law and Rules ("CPLR"), sections 3020 and 3020-a of the  
Education Law, and the Fifth and Fourteenth Amendments and NY Const.  
Art 1 §6, and as otherwise set forth in the Verified Petition, and elsewhere

in the Memorandum of Law, granting the relief therein requested by Petitioners.

**SUFFICIENT CAUSE HAVING BEEN SHOWN**, it is hereby:

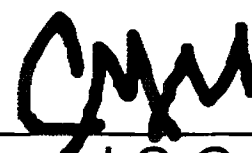
LET, that the Respondents show cause before this Court on the above date and time why a judgment should not be granted pursuant to Articles 78 and 63 of the CPLR:

1. A declaratory judgment finding that the respondents violated Petitioner's rights pursuant to New York State Education Law (EDL) §§ 3020, 3020-a.
2. A declaratory judgment that Respondents violated Petitioner's right to due process guaranteed under the Fifth and Fourteenth Amendments of the United States Constitution and article 1 section 6 of the New York State Constitution.
3. A declaratory judgment that the respondents action placing Petitioner on leave without pay is null and void.
4. A temporary restraining order and a preliminary injunction enjoining the Respondents from enforcing its determination.
5. A temporary restraining order and a preliminary injunction re-instating Petitioner, unless, and until, Respondents lawfully commence disciplinary proceedings.

**LET**, that personal service of a copy of this Order to Show Cause and the papers on which it is granted on or before the 27th day of MAY, 2022 shall be made upon the Respondents and be deemed good and sufficient service.

~~Dated:~~

ENTERED:



J.S.C. Hon. Consuelo Mallafre Melendez

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

JOSEPH AMALFITANO

Petitioners,

v

NEW YORK CITY DEPARTMENT OF  
EDUCATION, DAVID BANKS *in his*  
*Official capacity as Chancellor*, and DANIEL  
WEISBERG *in his official capacity as First*  
*Deputy Chancellor*.

Respondents

Index No.: /2022

**AFFIRMATION IN  
SUPPORT OF ORDER TO  
SHOW CAUSE PURSUANT  
TO CPLR §2217(b)**

CHAD J. LAVEGLIA, an attorney duly admitted to practice law in the Courts of the State of New York, and the managing partner of the Law Office of Chad J. LaVeglia PLLC, affirms the following under the penalties of perjury:

1. Unless otherwise indicated, the statements are made upon information and belief, the sources of which, are the papers and proceedings had herein, and publicly available documents.
2. I am the principle of the Law Office of Chad J. LaVeglia PLLC. I represent Petitioners in this matter. As such, I am fully familiar with the facts and circumstances of this action.
3. This affirmation is made in support of Petitioners application for an ex parte Order To Show Cause pursuant to CPLR §2217(b).

4. Your affiant has not made any prior motion or applications to this Court, or any other Court, for the relief sought herein

WHEREFORE Petitioners respectfully request his Court permit this matter to be brought by Order to Show Cause.

Dated: May 17, 2022  
Hauppauge, New York

Respectfully submitted,

BY:



CHAD J. LAVEGLIA ESQ.  
Law Office of Chad J. LaVeglia, PLLC  
*Attorney for Plaintiff*  
350 Motor Parkway, Ste No.308  
Hauppauge, New York 11788  
(631) 450-2468





JOSEPH AMALFITANO



April 19, 2022

JOSEPH AMALFITANO

TEACHER

Employee ID: [REDACTED]

Dear JOSEPH AMALFITANO,

We have received information that the proof of vaccination that you uploaded to the DOE Vaccine Portal, pursuant to the New York City Health Commissioner's Order requiring vaccination of all NYCDOE staff, was fraudulent. Compliance with that Order is a condition of NYCDOE employment. Since we have reason to believe that you have not complied with that Order, effective Monday, April 25, 2022, **you are being placed on Leave Without Pay** with benefits until further notice. You should not report to your school/work location after the April vacation and your school/office will be notified of this change in your status.

If you believe you are receiving this notice in error, please contact [DOEVaccineCompliance@schools.nyc.gov](mailto:DOEVaccineCompliance@schools.nyc.gov).

Sincerely,

NYCDOE Division of Human Resources



## Your Email Regarding Important Changes to Your Employment Status



Division of Human Resources

Apr 25

...

We are in receipt of your email. The information you submitted is being reviewed. As stated, you have been placed on leave without pay with benefits effective today, April 25, 2022, and cannot report to a DOE work site until further notice.

Sincerely,

NYCDOE Division of Human Resources



# REQUEST FOR JUDICIAL INTERVENTION

UCS-840  
(rev. 02/01/2022)

Supreme COURT, COUNTY OF Kings

Index No: \_\_\_\_\_ Date Index Issued: \_\_\_\_\_

**For Court Use Only:**

<b>CAPTION</b> Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.	IAS Entry Date
Joseph Amalfitano	
	Judge Assigned
-against- Plaintiff(s)/Petitioner(s)	
New York City Department of Education, David Banks in his Official capacity as Chancellor, Daniel Weisberg in his official capacity as First Deputy Chancellor	RJI Filed Date
Defendant(s)/Respondent(s)	

**NATURE OF ACTION OR PROCEEDING:** Check only one box and specify where indicated.

<b>COMMERCIAL</b> <input type="checkbox"/> Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.) <input type="checkbox"/> Contract <input type="checkbox"/> Insurance (where insurance company is a party, except arbitration) <input type="checkbox"/> UCC (includes sales and negotiable instruments) <input type="checkbox"/> Other Commercial (specify): _____ <b>NOTE:</b> For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the <b>COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C)</b> .	<b>MATRIMONIAL</b> <input type="checkbox"/> Contested <b>NOTE:</b> If there are children under the age of 18, complete and attach the <b>MATRIMONIAL RJI Addendum (UCS-840M)</b> . For Uncontested Matrimonial actions, use the Uncontested Divorce RJI ( <b>UD-13</b> ). <b>REAL PROPERTY</b> Specify how many properties the application includes: _____ <input type="checkbox"/> Condemnation <input type="checkbox"/> Mortgage Foreclosure (specify): <input type="checkbox"/> Residential <input type="checkbox"/> Commercial Property Address: _____ <b>NOTE:</b> For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the <b>FORECLOSURE RJI ADDENDUM (UCS-840F)</b> . <input type="checkbox"/> Partition <b>NOTE:</b> Complete and attach the <b>PARTITION RJI ADDENDUM (UCS-840P)</b> . <input type="checkbox"/> Tax Certiorari (specify): Section: _____ Block: _____ Lot: _____ <input type="checkbox"/> Tax Foreclosure <input type="checkbox"/> Other Real Property (specify): _____
<b>TORTS</b> <input type="checkbox"/> Asbestos <input type="checkbox"/> Child Victims Act <input type="checkbox"/> Environmental (specify): _____ <input type="checkbox"/> Medical, Dental or Podiatric Malpractice <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Products Liability (specify): _____ <input type="checkbox"/> Other Negligence (specify): _____ <input type="checkbox"/> Other Professional Malpractice (specify): _____ <input type="checkbox"/> Other Tort (specify): _____	<b>OTHER MATTERS</b> <input type="checkbox"/> Certificate of Incorporation/Dissolution [see <b>NOTE</b> in <b>COMMERCIAL</b> section] <input type="checkbox"/> Emergency Medical Treatment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Local Court Appeal <input type="checkbox"/> Mechanic's Lien <input type="checkbox"/> Name Change/Sex Designation Change <input type="checkbox"/> Pistol Permit Revocation Hearing <input type="checkbox"/> Sale or Finance of Religious/Not-for-Profit Property <input type="checkbox"/> Other (specify): _____

<b>SPECIAL PROCEEDINGS</b> <input type="checkbox"/> Child-Parent Security Act (specify): <input type="checkbox"/> Assisted Reproduction <input type="checkbox"/> Surrogacy Agreement <input type="checkbox"/> CPLR Article 75 - Arbitration [see <b>NOTE</b> in <b>COMMERCIAL</b> section] <input checked="" type="checkbox"/> CPLR Article 78 - Proceeding against a Body or Officer <input type="checkbox"/> Election Law <input type="checkbox"/> Extreme Risk Protection Order <input type="checkbox"/> MHL Article 9.60 - Kendra's Law <input type="checkbox"/> MHL Article 10 - Sex Offender Confinement (specify): <input type="checkbox"/> Initial <input type="checkbox"/> Review <input type="checkbox"/> MHL Article 81 (Guardianship) <input type="checkbox"/> Other Mental Hygiene (specify): _____ <input type="checkbox"/> Other Special Proceeding (specify): _____	<b>STATUS OF ACTION OR PROCEEDING</b> Answer YES or NO for every question and enter additional information where indicated.
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------

	YES	NO	
Has a summons and complaint or summons with notice been filed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, date filed: _____
Has a summons and complaint or summons with notice been served?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, date served: _____
Is this action/proceeding being filed post-judgment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, judgment date: _____

**NATURE OF JUDICIAL INTERVENTION** Check one box only and enter additional information where indicated.

<input type="checkbox"/> Infant's Compromise <input type="checkbox"/> Extreme Risk Protection Order Application <input type="checkbox"/> Note of Issue/Certificate of Readiness <input type="checkbox"/> Notice of Medical, Dental or Podiatric Malpractice <input type="checkbox"/> Notice of Motion <input type="checkbox"/> Notice of Petition <input checked="" type="checkbox"/> Order to Show Cause <input type="checkbox"/> Other Ex Parte Application <input type="checkbox"/> Partition Settlement Conference <input type="checkbox"/> Poor Person Application <input type="checkbox"/> Request for Preliminary Conference <input type="checkbox"/> Residential Mortgage Foreclosure Settlement Conference <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Other (specify): _____	Date Issue Joined: _____ Relief Requested: _____ Relief Requested: _____ Relief Requested: <u>Injunction/Restraining Order</u> Relief Requested: _____	Return Date: _____ Return Date: _____ Return Date: _____ Return Date: _____
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------



**RELATED CASES** List any related actions. For Matrimonial cases, list any related criminal or Family Court cases. If none, leave blank.  
If additional space is required, complete and attach the **RJI Addendum (UCS-840A)**.

Case Title	Index/Case Number	Court	Judge (if assigned)	Relationship to instant case

**PARTIES** For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided. If additional space is required, complete and attach the **RJI Addendum (UCS-840A)**.

Un-Rep	Parties List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant, 3 <sup>rd</sup> party plaintiff, etc.)	Attorneys and Unrepresented Litigants For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email.	Issue Joined For each defendant, indicate if issue has been joined.	Insurance Carriers For each defendant, indicate insurance carrier, if applicable.
<input type="checkbox"/>	Name: Amalfitano, Joseph Role(s): Plaintiff/Petitioner	CHAD LAVEGLIA, Law Office of Chad J. LaVeglia PLLC, 350 Motor Pkwy Ste 308 , Hauppauge, NY 11788, claveglia@cjlaw.org	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input checked="" type="checkbox"/>	Name: New York City Department of Education Role(s): Defendant/Respondent	65 Court Street, Brooklyn , NY 11201	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input checked="" type="checkbox"/>	Name: Banks, David Role(s): Defendant/Respondent		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input checked="" type="checkbox"/>	Name: Weisberg, Daniel Role(s): Defendant/Respondent		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
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<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	

**I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.**

Dated: 05/17/2022

CHAD JACKSON LAVEGLIA

Signature

4985115

Attorney Registration Number

CHAD JACKSON LAVEGLIA

Print Name

This form was generated by NYSCEF



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

\_\_\_\_\_X

JOSEPH AMALFITANO

Petitioners,

v

**ORAL ARGUMENT**  
**REQUESTED**

NEW YORK CITY DEPARTMENT OF  
EDUCATION, DAVID BANKS *in his*  
*Official capacity as Chancellor*, and DANIEL  
WEISBERG *in his official capacity as First*  
*Deputy Chancellor*.

Respondents

\_\_\_\_\_X

**MEMORANDUM OF LAW IN SUPPORT OF PETITIONER'S VERIFIED  
PETITION AND MOTION FOR DECLARATORY AND INJUNCTIVE  
RELIEF**

CHAD J LAVEGLIA ESQ.  
LAW OFFICE OF CHAD J. LAVEGLIA PLLC.  
Attorney for Petitioners  
350 Motor Parkway, Ste #308  
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ARGUMENT

**RESPONDENTS VIOLATED PETITIONER’S RIGHTS PURSUANT TO NEW YORK STATE EDUCATION LAW §§3020, 3020-a.**

Respondents did not lawfully provide Petitioner with due process under the Education Law (EDL) *see Green v. Department of Education of City of New York*, 16 F.4<sup>th</sup> 1070, 1077 [2d Cir. 2021] (stating that EDL §3020-a provides greater due process protection than that required under the United States Constitution). Pursuant to EDL §3020 no tenured teacher may be “disciplined or removed during a term of employment except for just cause and in accordance with the procedures specified in [§3020-a] . . .” Further, “All charges against a person enjoying the benefits of tenure...shall be in writing and filed with the clerk or secretary of the school district or employing board during the period between the actual opening and closing



of the school year for which the employed is normally required to serve.” EDL §3020-a(1).

Thus, Respondents are first required to file charges. Respondents have not filed charges here. As such, Respondent’s summary discipline is null. This Court need not inquire further since Respondents cannot bypass the first step to get to the second. For the sake of completeness however, Respondents violated additional rights conferred upon Petitioner.

Second, Once charges are filed, the employing board must be notified. Then, “[w]ithin five days after receipt of charges, the employing board, in executive session, shall determine, by a vote of a majority of all the members of such board, whether probable cause exists to bring a disciplinary proceeding against an employee. . .” EDL §3020-a (2). Third, if the board votes in favor of a finding of probable cause, then it must prepare “a written statement specifying (i) the charges in detail, (ii) the maximum penalty which will be imposed by the board if the employee does not request a hearing or that will be sought by the board if the employee is found guilty of the charges after a hearing and (iii) the employee's rights . . . shall be immediately forwarded to the accused employee *id.*

Here, Respondents blatantly, and egregiously violated Petitioner’s procedural due process rights. Respondents did not file charges. Respondents did not notify the employing board and did not provide Petitioner with notice of any sort. In addition, Respondents did not hold a hearing. Respondents just summarily disciplined Petitioner, without just cause, by placing Petitioner on leave without pay.



Respondents therefore violated Petitioner's statutory procedural due process rights pursuant to EDL §§ 3020, 3020-a *see* Tebordo v. Cold Spring Harbor Cent. School Dist., 126 A.D.2d 542, 543 [2d Dept. 1987] (holding that under EDL §3020-a tenured teachers are entitled to due process and hearing "prior to the imposition of a reprimand, a fine, suspension for a fixed time without pay, or dismissal").

Indeed, Respondents circumvented the legal framework entirely. Respondents can only discipline Petitioner through the procedures set forth in EDL §3020-a *see* Tebordo i.d. at 542 (holding that EDL §3020-a "provides the exclusive method of disciplining a tenured teacher in New York State").

**RESPONDENTS VIOLATED PETITIONER'S DUE PROCESS RIGHTS  
UNDER THE FIFTH AND FOURTEENTH AMENDMENTS AND ARTICLE 1  
SECTION 6 OF THE NEW YORK STATE CONSTITUTION.**

New York's due process clause mirrors its federal counterparts. Pursuant to the Fifth and Fourteenth Amendments "no person may be deprived of life, liberty, or property without reasonable notice and an opportunity to be heard." Karpova v. Snow, 497 F.3d 262, 270 [2d Cir. 2007]. Further, EDL §§3020 3020-a provide Petitioner, as a tenured teacher, with a constitutionally protected property interest in the right to continued employment. Murphy v. City of Rochester, 986 F.Supp.2d 257, [WD, N.Y., 2013]. Respondents cannot deprive Petitioner of these rights without due process of law *i.d. see also* Holt v Bd. of Ed. of Webutuck Cent. School Dist., 52 NY2d 625, 632 [1981]. Again, Respondents did not file charge or provide Petitioner with notice or a hearing *contra* Murphy, i.d. (finding that a tenured teacher was provided with procedural due process where the employee received written notice of



the charges, and elected to have a hearing which spanned eighteen days of testimony). Accordingly, Respondents violated Petitioner's due process rights under the Fifth and Fourteenth Amendments as well as NY Const. art 1, §6.

**THIS COURT SHOULD DECLARE RESPONDENTS DISCIPLINARY  
ACTION TO BE NULL AND VOID AND PETITIONER SHOULD BE  
REINSTATED**

Because Respondents disciplined Petitioner in violation of Petitioner's statutory and Constitutional rights to due process of law, the determination to place Petitioner on leave without pay should be declared null and void from the outset. Pursuant to CPLR article 7803.3, Respondents made a determination in violation of lawful procedure. Petitioner's status should be restored to what it was prior to the determination.

**THIS COURT SHOULD GRANT INJUNCTIVE RELIEF**

**A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION  
SHOULD BE GRANTED BECAUSE PETITIONER WILL LIKELY SUCCEED  
ON THE MERITS**

To prevail on a motion for a temporary restraining order and preliminary injunction, Petitioner has the burden of establishing by clear and convincing evidence "(1) a likelihood of success on the merits, (2) irreparable injury absent granting the injunction, and (3) a balancing of the equities in [petitioners'] favor." County of Suffolk v. Givens 106 A.D.3d 943 [2d Dept, 2013]; Apa Security, Inc., v. Apa, 37 A.D.3d 502, [2d Dept, 2007]. Petitioner does not have to show a certainty of success but make a prima facie showing of reasonable probability of success *see e.g.* Barbes Rest, Inc. v ASRR Suzer 218, LLC, 140 A.D.3d 430 [2016].



Here, Petitioner has shown that Respondents have violated Petitioner's due process rights at every turn. Respondents have illegally and unconstitutionally violated Petitioner's rights. In short, Respondents did nothing right. It is hard to fathom a circumstance in which Petitioner will not prevail.

#### PETITIONER WILL BE IRREPARABLY HARMED

The deprivation of Petitioner's due process rights satisfies the irreparable harm requirement on its own *C.f. Green Haven Prison Preparative Mtg. of Religious Socy. of Friends v New York State Dept. of Corrections and Community Supervision*, 16 F.4th 67, 80 [2d Cir 2021] (holding that the violation of first amendments rights for even a minimal amount of tie unquestionably constitutes irreparable injury).

In addition, Petitioner does not know the nature of the charges, or when/if at all he will return to work. Petitioner will have no ability to produce income, no job security, and an uncertain future; left in the hands of an unknown department in the country's biggest school district. Petitioner's fate will be stuck in bureaucratic purgatory indefinitely. Moreover, Petitioner's reputation suffers from continued absence as his students and other faculty surmise that Petitioner has engaged in improper conduct. Even worse, Petitioner did not fill out the vaccination card. The employee administering it did. Thus, based on the little information Petitioner obtained, it seems untenable to accuse him of something he had no control over.

#### THE BALANCING OF THE EQUITIES FAVOR PETITIONER



Petitioner had worked for the DOE this entire school year. Granting injunctive relief here will simply maintain the status quo. Further, the harm caused by Respondent's deprivation of Petitioner's due process rights significantly shifts the scale in Petitioner's favor. Respondents on the other hand, lose nothing. Petitioner would continue to work in the same capacity as he had been all year. Further, Respondents have no equitable basis to keep Petitioner out of work and off the payroll without just cause.

**RESPONDENTS SHOULD BE ENJOINED FROM ENFORCING ITS  
DETERMINATION AND PETITIONER SHOULD BE REINSTATED**

This Court should enjoin Respondents from enforcing the determination since it was made in abrogation of the law and Constitutions. In addition, this Court should require Respondents to reinstate Petitioner. Should Respondents decide to institute disciplinary action, this Court should require it to lawfully commence a proceeding.

**CONCLUSION**

WHEREFORE for all the reasons set forth herein, the Verified Petition, exhibits and accompanying documents this Court should grant the Petitioner the following relief:

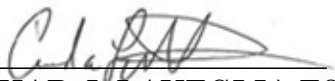
1. A declaratory judgment finding that the respondents violated Petitioner's rights pursuant to New York State Education Law (EDL) §§ 3020, 3020-a.
2. A declaratory judgment that Respondents violated Petitioner's right to due process guaranteed under the Fifth and Fourteenth Amendments of the United States Constitution and article 1 section 6 of the New York State Constitution.



3. A declaratory judgment that the respondents action placing Petitioner on leave without pay is null and void.
4. A temporary restraining order and a preliminary and permanent injunction enjoining the Respondents from enforcing its determination; and
5. A temporary restraining order and a preliminary injunction re-instating Petitioner, unless, and until, Respondents lawfully commence disciplinary proceedings.
6. Any and all further relief as this Court deems just and proper.

Dated: May 16, 2022  
Hauppauge, New York

Respectfully Submitted,



CHAD J. LAVEGLIA ESQ.,  
LAW OFFICE OF CHAD J. LAVEGLIA PLLC  
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